

ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
WENDELL L. GRIFFEN, JUDGE

DIVISION IV

CACR06-105

October 4, 2006

BRENT EUGENE BELT  
APPELLANT

AN APPEAL FROM CARROLL  
COUNTY CIRCUIT COURT  
[CR04-95-ED]

V.

HON. ALAN D. EPLEY, JUDGE

STATE OF ARKANSAS  
APPELLEE

AFFIRMED

On October 12, 2005, a Carroll County jury found Brent Belt guilty of manufacturing methamphetamine, possession of methamphetamine, and possession of marijuana and sentenced him to a total of fifteen years in the Arkansas Department of Correction. Appellant appeals from his convictions for manufacturing methamphetamine and possession of methamphetamine, challenging the sufficiency of the evidence. Because appellant's sufficiency challenge is not preserved for appellate review, we affirm.

Appellant was charged with manufacturing methamphetamine, possession of methamphetamine with intent to deliver, and possession of marijuana. According to testimony adduced at trial, on July 21, 2004, Investigators Jason Hunt and Alan Hoos of the Carroll County Sheriff's Department went to a field on County Road 739 to investigate suspected drug activity. The property belonged to Joe Logan, and the investigators had his permission to be on the property. When they arrived, they saw a white Pontiac sitting in the roadway, and Aleshia Chaney approached the vehicle. At the same time, Hunt saw appellant

by a pickup and past a nearby camper trailer. There was an old, rusted refrigerator approximately fifteen yards from the truck, and the trailer was about twenty to twenty-five yards away from the refrigerator. Hunt told appellant that he was there to follow up on some information about possible drug activity, and he asked appellant whether there were any drugs around, to which appellant replied, "no." He then told appellant that Chaney told him that the two had been smoking marijuana. Appellant then confessed to smoking marijuana.

Hunt searched the trailer and found marijuana in a box. He also saw a large plastic St. John's cup and a cigarette pack that had a picture of a camel on it, both containing white residue. A cell phone was next to the cigarette pack. During this time, appellant retrieved a cigarette from a pack that matched the pack Hunt found in the trailer. Hunt also opened the refrigerator near the trailer. Methamphetamine fumes came out, and a lab was found inside.

Hunt told appellant and Chaney to leave the area for safety reasons. Appellant asked Hunt to get his tool pouch and cell phone out of the trailer, and Hunt retrieved the same cell phone he saw next to the cigarettes earlier. Appellant also asked Hunt to secure the trailer. Hunt arrested appellant approximately eight days later while appellant was sleeping on a bed inside the trailer. On cross-examination, Hunt noted that anyone could have gotten inside the trailer. He also testified that the trailer was not clean but that someone could have stayed there.

Hoos testified about the items found in the search and the method for cooking methamphetamine. He noted that the lab found on the property was in the final stages of what they called cooking off. In his experience, wet methamphetamine is a sign that the cooking-off process was recently finished. The State and appellant stipulated that appellant had dominion and control over the trailer and that the marijuana found inside belonged to him.

Steve Garska testified on appellant's behalf. Garska lived with appellant's sister and worked with appellant. He stated that he and appellant worked together that day. He testified that the two left work in appellant's pickup and arrived home at 6:15 p.m. He stated that appellant later went to the trailer, which was seventy-five yards from his residence, to store his tools and get more tools for the next day. The police arrived about an hour after they arrived home. Garska noted that appellant used the trailer for tool storage and opined that the trailer was not habitable. He testified that appellant only had the trailer for two weeks. Garska described the entire area as a county road that anyone could access and noted that people often swam in a nearby creek. He also noted that, two or three days prior to the police search, he saw an individual, Dave Huston, going toward the river and behind his house. He also testified that about eight people lived in the area and that all of them smoked.

In rebuttal, Hoos acknowledged Garska's testimony that Huston was on the property the previous Sunday or Monday and noted that the lab was found Wednesday. He stated that the lab would not have been fuming and that the methamphetamine found in the trailer would not be wet if someone was cooking it the previous Sunday or Monday.

The jury found appellant guilty of manufacturing methamphetamine, possession of methamphetamine (but not with intent to deliver), and possession of marijuana. Appellant was sentenced to a total of fifteen years in the Arkansas Department of Correction.

For his sole point on appeal, appellant argues that the trial court erred in denying his motion for directed verdict; however, his argument is not preserved for appellate review. Rule 33.1(a) of the Arkansas Rules of Criminal Procedure requires that a directed-verdict motion specifically state how the State's evidence is insufficient. *See also Nelson v. State*, \_\_\_ Ark. \_\_\_, \_\_\_ S.W.3d \_\_\_ (Feb. 16, 2006). The failure of a defendant to challenge the sufficiency of the evidence in this manner constitutes a waiver of any question pertaining to the sufficiency of the evidence. *Id.* We do not to address the merits of a non-specific

challenge to the sufficiency of the evidence. *Id.*

At trial, appellant merely argued that the State presented insufficient evidence to support the information as filed. This argument is not specific, as the court could not determine how the State's case was insufficient. Appellant makes a specific argument on appeal, but we are precluded from addressing the argument. *See id.* For this reason alone, we affirm.

Affirmed.

VAUGHT and ROAF, JJ., agree.